revised 06/03/03

MC2005/2319

Date Received: 28th November 2005

Location: Medway Gate (formerly Cuxton Pit no.3.) Cuxton Road, Strood, Rochester.

Agent Barton Willmore Planning Partnership, 35 Kings Hill Avenue, West Malling, Kent ME19 4BW

Ward: Strood South

Recommendation - ~~**approve subject to the conditions attached to MC2004/0063 and issue new Notice of Decision with the following variations:**~~ conditions 1, 6, 9, 13, 18 + 19 of PP MC2004/0063 be varied as follows with a revised decision notice,

Condition 1.

Approval of the details of siting, design and external appearance of the buildings, together with the landscaping (hereinafter called "the reserved matters" in relation to each phase of the development hereby approved or part thereof shall be obtained from the Local Planning Authority in writing before any development is commenced. The phasing of the developmentshall be undertaken in accordance with a Phasing Plan and revised Masterplan to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development hereby permitted

Condition 6

No development shall take place within a particular phase of the development or part thereof hereby approved until full details of both hard and soft landscape works relating to that phase or part therefof have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestriuan access and circulation areas; hard surfacing; minor artefacts and structures (external furniture, play equipment and refuse storage);. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated witth grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programmes.

Condition 9

No development shall take place within each phase of the development or part thereof hereby approved until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and typoe of boundary treatment to be erected within that phase or part thereof. The boundary treatment shall be completed before the respective buildings to which it relates are

occupied and shall thereafter be maintained for the duration of the development. The development shall be carried out in accordance with the approved details.

Condition 13

The residential and commercial areas within each phase or part thereof shall be lit in accordance with a lighting scheme to be installed on site before the occupation of any building within the relevant phase or part thereof in accordance witth details to be submitted to and approved in writingby the Local Planning Authority. Following installation, the approved lighting arrangements shall thereafter be maintained for the duration of the development

Condition 18

The development shall not be commenced until a plan indicating the location of the Class A1 retail shop and healthcare facilities and identifying which phase of the development these facilities will be provided within has been submitted to and approved in writing by the Local Planning Authority. No development shall be commenced within the relevant phase of the development which will include the Class A1 retail shop and healthcare facilities until details of their siting, design and external appearance and a programme for their provision has been submitted to and approved in writing by the Local Planning Authority. The Class A1 retail shop and healthcare facilities shall be proivided in accordance with the details approved under the terms of this condition, including the timing of the provision of these facilities.

Condition 19

"Prior to the commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented in respect of each phase of the development or part thereof and prior to first occupation of that phase or part thereof of the development hereby permitted a completion report issued by the competent person referred to above, stating how remediation has been completed in respect of that phase of the development or part thereof and that the site is suitable for the permitted use, shall be provided to the Authority."

roundabout on Cuxton Road.

The site is disused and vacant, awaiting development.

Proposal

The proposal is to vary 5 of the conditions attached to MC2004/0063 to allow for phased development of the site. Since the granting of outline planning permission, the site has been purchased by a housebuilder, Persimmon Homes, who have given detailed consideration as to how the site should be developed, information which was not available at outline stage.

The applicants have stated that the variation would allow a 3 stage process by which the regulation of the development can be secured, which would function as follows:

1). Prior to any development taking place pursuant to the outline consent the Council will have discretion to approve a phasing plan showing where and at what point in the phasing of development the community facilities will be provided

2). Prior to development of the phase in which the facilities will be located the Council will have discretion to approve details of the siting, design and external appearance of the facilities and to approve the timing of their provision within that phase

3). The facilities must be provided by the developer in accordance with the approved details and timing

Relevant Planning History

MC/2004/0058 – engineering operations for construction of access and development platforms and re-profiliing quarry sides – approved December 2004.

MC2004/0063 - outline application for residential and Class B1 development and associated works – approved December 2004.

Representations

Consultations were undertaken with:

Environment Agency – no objections but draw applicants attention to the need to ensure that if decontamination is phased, cleared areas are not subsequently re-contaminated from untreated areas.

Southern Water services – no objection

Southern Gas Networks – no objection

Development Plan Policies

Kent Structure Plan 1996:

Policy S9 – Community provisions

Medway Local Plan 2003

Policy S6 – securing community provisions

H4 – housing in urban areas

L4 - provision of open space.

Kent and Medway Structure Plan (Modification version)

Policy HP2 - phasing of housing development

HP7 - range and mix

Planning Appraisal

The intention of the proposed variation is to allow a phased approach to what would be a large development of 450 plus houses plus business development of about 4000m2.

The proposed replacement conditions would allow the Council to ensure that community infrastructure generated by this development and secured through the Section 106 Agreement could be provided at the appropriate stage in the development process.

Since the community provisions secured in the Agreement are provided or paid for on the basis of numerical "trigger points" – e.g. after the 100th completion, after the 150th completion etc. --- the basis of the Agreement should not be affected by the proposed variations nor the Council's ability to ensure that the provision is made. The Agreement will however need to be engrossed to record the new planning permission number.

It is therefore recommended that the variations be agreed and a new Notice of Decision issued, accordingly.